

DETAILED ACTION

The reply filed on 8/26/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): prior to initiating interference proceedings, the applicant must comply with the guidelines set forth in 37 CFR 41.202(a)(1)-(6). Claims 1-4, 9-10, 13-14, 22-27, and 29-32 are currently pending. Applicant, in first page of REMARKS section filed on 1/5/2009, mentioned that the new claim 32 is a replacement of previously cancelled claim 28, but with proper reference back. However such statement is not understood because new claim 32 depends on claim 5, which was a cancelled claim.

Applicant amended the claim 27 depends on both claim 26 and claim 4, where claim 4 is allowable claim and contradicts by stating that claims 22-31 are substantially identical to 1 to 8, 10 and 11 respectively of Potter patent no.. 6,028,437 and are copied from Potter. However, such listing of the claims are not compliance with the guidelines set forth in 37 CFR 41.202(1) (1)-(6) and (d).

Appropriate correction is required prior to interference proceedings. Applicant did not explain how declaration under 37 C.F.R. 1.131, filed on 11/06/2001, obviates applied reference by Higgins. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Savitri Mulpuri whose telephone number is 571-272-1677. The examiner can normally be reached on Mon-Fri from 8 a.m to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber, can be reached on 571-272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Savitri Mulpuri/
Primary Examiner, Art Unit 2812